P7. 280-92

G. R. S. IX-5]

Previous references.

Vol. 44 of 87

1895-96

~~192~~ .

(L - R)

File No. 152 of 1895

Serial Nos. 1-17

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 17

~~Part~~ Part B for December 99.

SUBJECT.

Appeal of Parliamentariand of Dhagaiwa re the Sale of a building Site in the Nelbaya Gubbi Taluk -

---

Re Pet/280 of 92 dated 19.12.99

SC. No. 17 To. The Deputy Commissioner Tumkur Dt.

Forwards a copy of Judgement passed by the Chief Court in this case

Issued Countermanded MK

P. 2223—G P B—20,000—14-6-20

P. 7. 2.30-92

Office note and standing order submitted as directed by the 2nd Councillor on 21/2/96.

Advt. As. 4/4/96

The Dy Com. may be asked to wait till he receives a summons & then to prepare the copy of a defence in ~~the~~ ~~abovenamed~~ ~~appeal~~ cancellation suit of the Govt Absolute & submit the same for the approval of Govt. Submitted

Dy Com.

5/4/96

As 6/4

Read 8/4

Yes
8.4.96

Read 13/4.

Put up file for Assistant Engineer

Dy Com. 13/4

Dy Com. 13/4

Lab. 15-2-1895

Office Note prepared as ordered by the 2nd Councillor on 21/2/96 Vide SLD

A house site B.V. 23 in the village of Pajagar in the Jaffna Talut, belonging to Govt. property was sold by the Revenue authorities in Oct. and Nov. 88, and one Ponnambalam became the purchaser. Vide Plan No. 1 of the village, objected to, under claiming it as his. The objection was disallowed by the Special Asst. Govt. Agt. and the sale was confirmed in Dec. 89. On appeal, the Supreme Court in their 388 certificate set aside the sale, ordering the inclusion of the site in Village Plan No. 1. On appeal against it was held that the Supreme Court's ruling upon the Govt. Agt. order was correct and that of the Special Asst. Govt. Agt. reversed. The Govt. admits — the Dewan is satisfied that the land in dispute is not required for the purposes of Village Plan No. 1. The sale confirmed by the Asst. Govt. Agt. was correct and the appeal should be dismissed. (Vide Nos. 2381-2 D.C. 20.7.88 57)

2

Lingi Gowda who was in possn of the property having agreed to vacate the site, the Cr Court refused the question on 7.2.1891 for orders of Govt - whether Lingi Gowda should be summarily ejected or whether the Assistant Patta-Chaumaiya might instituted to seek his remedy in a Civil Court. Govt passed order in this matter in 1892. The order is — "the Cr Court is requested to take, issue & finish under sec: 130 or 531 of the Criminal Procedure Code, 1882, since it is part of the Station Criminal Procedure. The Govt having already, after examining the evidence procured by Lingi Gowda, decided in favour of 20.2.1891 No: 2781-2/87 that the site in question belongs to Govt and that Lingi Gowda has no right to it; it is not necessary to take any further evidence in the matter. If Lingi Gowda fails to file Civil Suits Patta Chaumaiya will have to defend the suit at his own cost which he is willing to do. Sd/- 92.50 Sd/- 22/3/92
24 F. 230-92

In accordance with this order Patta-Chaumaiya seems to have been put in possn of the land. Lingi Gowda therefore wants to file a civil suit for the recovery of the land, making

8

the 1st inst. a pro forma dept.
The notice sent to the 1st inst. by
Advocate M/s Venkatramaiya Sons—
"Ming Patta Chamaya, a tenant
before the Board of Revenue (Lands)
Hyd. a suit brought by my client
regarding the ownership of the site
in question, Regn. No. that in the
Proceedings No: 9250 Dt: 22.3.72
Pet. 7 230-72
that Patta Chamaya admitted
the title in favour of the site. My
client's instructions are to say that
before record the statements of
further evidence may be made
before a Civil Court and that the
1st inst. is late made a pro forma
defendant among Patta Chamaya
having executed to my client
a sale deed regarding Patta
Chamaya and the 1st respondent
the sum of Rs. 20,000 for the sale
this notice, for the recovery of the
property which my client was
wrongfully dispossessed of
about 2 years ago." The notice is
dated 27.4.76.

Patta Chamaya was examined
and before the Court on 15.5.88
this effect — "The sale deed
executed by me in the Village has

In searching for the standing orders in this connection the following papers only were found. which are hereunto submitted

(1) Proof No: 4329-36 / Civ. 125- dtd 14/9/88 (Printed copy)

(2) Proof No: 1416-23 / C. 87 dtd 26/7/92 (Manuscript copy)

(3) Proof No: 2858-98 / J. 7. 64-92 dtd 18/8/92 (Printed copy)

~~(4) Does not seem to lay down that an officer of Govt cannot be sued as representing Govt but that~~

(1) seems to lay down that no suit can be maintained against an officer of Govt as representing Govt and that, if at all, he must be sued in his individual capacity.

(2) refers to suits brought by or against a Municipality

(3) ~~lays down~~ directs all Heads of Departments to submit an ~~annual~~ annual statement showing the number of suits filed by or against Public Officers with the result thereof.

The 1st Councillor has made a proposal (which is under the consideration of the Diwan) as follows: — "The submission of these annual statements may, I think, be discontinued. They entail unnecessary labor and serve no useful purpose.

When there is an important suit against Govt or its officers for acts done in their official capacity a special report may be made to Govt and orders obtained as to its defence or otherwise." (1st Councillor's minute dtd 7-12-95)

A.S. 4/4/96

been cancelled on the ground that Leigè Gowda has a rajan title. The property does not belong to him and the sale must be confirmed. In the event of Leigè Gowda obtaining a decree in a Civil Court as to favour, I shall not ask Govt to refund the purchase money. I shall bear the loss myself. 4 Enclosures. The original depositions is also filed. Mr Stuart Rice in his report, writes thus: — "But the evidence in favour of Leigè Gowda, is, I fear, strong and we are hardly right in assuming that Leigè Gowda encroached within 12 years."

A sketch prepared in the Dy Comr's office and another prepared by Mr P. S. Krishna Row are forwarded for the record. Mr Krishna Row says — "But in such a suit if Govt fail, they incur no loss nothing more than the costs awarded against them, the objection of Putta Channaya prevented them from further loss, and the costs incurred might be levied from out of the sale proceeds of the land."

The land was purchased by Putta-Channaya for Rs 70-4-0.

The original records have been sent back to the District office.

MR Recd 29/2/96
Sent 27/2/96
AJS

2. Sketch filed by Leigè Gowda & the Dy Comr

4. Dy Comr's office sketches

6 Continued

follows:-

The site in suit did not belong to the Plff. It was the property of Govt & the sale of it to the Deft was confirmed by Govt & possession [illegible] delivered over to him.

Note: So in the matter of obtaining & furnishing evidence falls on of course the Dep. Comr.

Next the 3 lines [illegible] may remain. I should like to have a talk with the Govt Adv unless the Dewan takes this matter up as I have taken up an order in this case as Dep. Comr.

18.6.97 [illegible]

The Dy Comr in his letter states that he agrees with the Govt advocate in thinking that the suit need not be defended by Govt, as 1st deft has undertaken to bear all costs but that if Govt thinks otherwise, draft of defence is also submitted for approval.

In this particular case, Govt may not lose anything by leaving the suit undefended. But the general question is an important one.

Secn 226 of the Land Rev Code seems to have been framed specially to meet cases like the present (where Govt and a private individual claim a waste building site) but this Secn was not availed of by Govt when the ~~original~~ Govt order of 1888 (serial No 7) was passed (probably the Land Rev Code was not then passed) It may be noted here that ~~[illegible]~~ Act No XXIII of 1863 (to provide for the adjudication of claims to waste Land) was passed to

Submitted for approval
[illegible] 2/6

Submitted to Secretary
May the Govt. Advocate be written to demi officially to see the 1st Councillor in connection with this matter. Else submitted to Dewan
[illegible]

Yes early please.
[illegible] 21/5/97
Madras

[illegible]

8

Submitted to the Second Member of Council with office note.

Intd/- V.R.T.
27-2-1897.

I do not understand the first ground of the defence. Deputy Commissioner in his official capacity means Government as the latter cannot at all be sued. I wou remove this ground. For similar reasons objection 2 also may be removed. No. 3 cannot be correct as the Government it we which dispossessed the Plaintiff. This wrongful act is said to furnish the cause of action.

In the place of these three grounds would have something like the following:

The site in Suit did not belong to Plaintiff. It was the property of Gove ment and the sale of it to the Defendant was confirmed by Government and possessi delivered over to him.

Note - To sustain this objection th onus of furnishing evidence of course fa on the Deputy Commissioner.

The 4th and 5th ground may remain. should like to have a talk with the Gov ment Advocate unless the Dewan takes th matter up as I have passed an order on case as Deputy Commissioner.

Intd/- P.N.K.
18-6-189

Submitted to the Secretary.

May the Government Advocate be wri demi-officially to see the Second Counc in connection with this or is the matte be submitted to Dewan.

Intd/- C.R.
24-6-18

prevent a conflict of civil & Revenue Jurisdiction
(Page 128 Madras Rev Code by Dawes, 4th Edn.)

As regard standing orders on the subject in addn to those pointed out in the 1st portion of this, Secs 225-230 of the Land Rev Regn (sec 230 prescribes Govt Suits) bear on the subject

There does not seem to exist any Compilation of orders similar to Chapter IX of the Standing orders of the Board of Revn (Madras) which deals with Govt Law suits (orders 141 – 150) Hon'ble P Chentsal Navl Edn

order No 147 deals with a Suit against Govt for recovn of land
Private claims shd have been rejected by the Govt authorities and under this order the Collr is always the defendant

[redacted]

Subd to 2nd Committee
MM 27/2/97

9

The result of the conference between the 2nd Counsel & the Solr advocate is not known but it is presumed that the view that no defence need be made by Govt was approved

= In his letter 29/1/99 & in Contr of his No 690 of 13/2/97 (on wh no orders were consequent of the Dcom) the Dcom reports that the suit filed against the Dcom is posted to the 31st July 1899

The case must have been heard by this time & probably decided

= This letter My 8/2/99.

W 775

Gen. 31.]

Pet 6145/524 1895

(17)

From The Deputy Commissioner, Trichinopoly District.

To The Secretary to Govt. of Fort St. George, Revenue and General Departments.

Dated 10th February 1896.

Despatched

Received

General No. No. 659

Enclosure No. 1

Government Br. No. 9250 dated 15th December 1892 G.O. p. 280

Submitted for orders copy of a notice of 27th November 1896 sent to him by Mr. D. Venkatramiah, advocate for Luiz Gowda expressing the intention of his client to file a civil suit against the Puttachamiah and the Deputy Commissioner for the recovery of certain building site.

Branch

ted with refers.

t the 2nd Councillor.

The Proc^gs quoted
r that the Puttachan-
ayya has to defend
suit, and that Govt
ay as well allow him
d the person who has
issued the notice to
t out the disputed
any rate the no ob-
s need be passed
the Dy C^r actually gets
Summons & the Copy of
plaint. May the
Dy C^r be informed so
reply?

H.H.
19/2/96

Plaintiff was 313

Mean while the Standing
ders - Establishment
Memorandum must be
ordered. Should
t be taken like
this is respectfully
time - Have any
Office note prepared.
& put up the Standing
ders etc.
21.2.96

No. 659/1

Deputy Commissioner's Office,
Trincomalee District.
Dated this 10th February 1896

To,
The Secretary to the
Government Revenue and
General Departments.

Sir,

Adverting to correspondence ending with Government Proceedings No. 9250/G.T. 230 dated 15th December 1892, praying orders in regard to a building site sold to one Pitta-Chandraiya of Tyapatur in the Guttoy Taluk, I have the honor to submit herewith, for the information and orders of Government, copy of a notice dated 27th January 1896 sent to me by Mr. D. Venkat-ramaiya, Advocate for Linga-Lowda, & pressing the intention

Early 10

Bond received
back the Dy
Comm'r with
regard to what
was done on
the 31st January

(with)

CA 14.2.99

167/99

Draft time the draft put
up

The suit which was filed in
the Ch Court against (1) Subra-
chenma (2) the Dy Comm'r Jaffna
Ch. (3) Chenkanagappa was
dismissed on 23/8/99. A copy
of the judgment is on the
file (S No 42). An appeal
has been preferred against the
above judgment and decree and
the appeal has been posted
for hearing on 9/2/00.
The Dy Comm'r solicits the order of
Court. It is suggested that as above
instructs the Dy Comm'r need not
contest the appeal

Mg 7/12/99

16

To, The Deputy Commissioner
Tinnevelly District.
Tinnevelly

Sir,

I am instructed by Annavi-
-ciré Cotel Linguy pondar of Thapa-
-tur village, Nellore Kammatt, Gudalé
Taluk, to issue a notice to you under
section 426 of the Civil Procedure
Code to enable him to recover posses-
-sion of house site mentioned in the
schedule hereunto annexed. My client
has been dispossessed of the house site in
question by one Putta Chenniya of
the same village. The site in question
is, I am informed, the private pro-
-perty of my client. Owing to Putta
Chenniya consenting before the
Council to bear all costs to defend
a suit brought by my client regard-
-ing the ownership of the site in

Question the Government held in their Proceedings No 9250 dated Petn 7.2.1892 22nd December 1892 that Bullachemmaiya should be put in possession of the site. My client instructs me to say that the Government reserved the production of further evidence in the matter before a Civil Court. That as the Deputy Commissioner is to be made a pro-forma Defendant owing to Bulla Chemmaiya having consented to pay all costs, a suit will be filed against Bulla Chemmaiya and the Deputy Commissioner after the expiry of (60) sixty days from the date of this notice for the recovery of the property which my client was wrongly dispossessed about 2 years ago.

Signed

13

2/4

GOVERNMENT OF MYSORE

To his Excellency the Civil Suit against Cutta Subbanniya and the Deputy Commissioner of the Tumkur District, for the recovery of the Site in question. ——

I have the honour to be,
Sir,
Your most obedient Servant,

Sir Krishnaraja Rao
Offg. Deputy Commissioner

W

Draft Submd for approval

Gen. 31]

1896

From

(16)

To The Dy. Commr.
Tumkur.

Dated 14
Despatched 17 } April 96
Received

General No. 9419
Petty No. 280-92.

Enclosure No. dl. 152-95-2

I his letter no. 659 dated 10th February 1896, submitting for orders copy of a notice issued to him by advocate Mr. D. Venkataramiah, on behalf of his client Linga Gowda expressing the latter's intention to bring a civil suit against the Dy. Commr. & one Puttachennaiah for the recovery of a certain building like at Tyagatur, Gubbi Taluk.

With reference to the above, has the honor to state that the Dy. Commr. should wait till he receives a summons and then prepare the draft of a

esence in consultation
with the Govt. advocate
and submit the same
for the approval of
Govt.

By order

C2 Draft 14-4-96
Secy.

SWR
13/4.

Draft submitted for
approval.
13.4.96.

(Signed) 16

D. Venkatramiya

Advocate

Schedule

Site measuring 5 x 2 yds situated in the village of Thapsandra, Attur Taluq, Salem District, Madras Presidency, bounded on the East by Site belonging to Ramaswamy Gounder, on the West by Site belonging to Kuppan Gounder, on the North by Site belonging to Kuppan Gounder, on the South by Road.

(Signed) D. Venkatramiya

Advocate

Bangalore
20th January
1896.

"Copy"

Illegible

Deputy Commissioner

5447

1897. No 558

From The Deputy Commissioner Trichinopoly District.

To The Secretary to the Govt of Mysore. Gel and Rev: Departments.

Dated 13th February 1897.
Despatched 15th
Received
General No. Gl. 152-95-3
No. 690

Enclosure No: 2 + record

His docket No 9409
P.F. 230-92
of 14th April 1896.

Submits for approval a draft of a defence prepared in consultation with the Government Advocate in the case of Polati Linga Jonna of Singapatam who has filed a suit in the Trichinopoly District Munsif's Court against Putta Chennaiah and Deputy Commr for the recovery of the site sold by Govt to Putta Chennaiah.

PF 230/92 disposed

AK 23/2

(115)

Petition Branch
17/2/97

Submitted with regret
23/2

Noted by 2nd Councillor with

Approved
M 27/2/97

Secy 6.3.97
4/3/97.

I do not think under the circumstances of the case Govt can interfere in this matter. The petitioner has already received Rs 2 similar grounds. Rs 2 also remains to be received in respect of Bond No 3 cannot be correct as this Bond was executed on 8th April 1896 which is more than 3 years before the date of the suit. The case is decided by the Munsif on the merits. Petitioner should have moved the Munsif to set aside the decree on the merits.

See Memo

some future date.

GOVERNMENT OF MYSORE

2. I beg to Submit herewith copy of letter No 121 dated 25th January 1897 from the Government Advocate regarding the case. It will be seen therefrom that he is of opinion that the case need not be defended on behalf of Government, as the 1st Defendant Putta Chennayah has undertaken to bear all costs in the event of Polal Linge gowda's resorting to civil Courts for the recovery of the site. I quite agree with the Government Advocate, but if Government thinks otherwise, the accompanying defence is Submitted for approval.

3. The records connected with the case accompany.

I have the honor to be
Sir,
Your most obedient servant

M Narain Rao
Deputy Commissioner
EV

No 690
En 2 & round.

Deputy Commissioner's office
Tumkur District
Tumkur 13th February 1897.

To

The Secretary to the Government
of Mysore.
General and Revenue Departments.

Sir,

With reference to the correspondence
ending on the year Docket 1593/09 P.F 230-92 dated the
14th April 1893, I have the honor to state that
Patel Linge gowda of Iyyagalur has filed a
suit in the District Judge's Court of Vandi-
-drug Division against Putta Chennia and
the Deputy Commissioner of Tumkur, for
the recovery of the site sold by Government
to Putta Chennaiah. The Defendant's summons
which was received by me on the 21st January
1897, gave notice that the case had been posted
to the 25th January for settlement of issues
and as there was hardly sufficient time
for consulting the Government Advocate
and obtaining the orders of Government to
defend the suit, I have requested the
District Judge to postpone the hearing to

Some

1896-97.

From The Government Advocate
in Mysore.

To The Deputy Commissioner
Tumkur District.

Dated 25th January 1897.
No 121

Sir,

In reply to your letter No A dated 21st Instant, I am of opinion that the case need not be defended on behalf of Government as the 1st Defendant is interested in the subject matter of the suit and according to the allegations in the plaint, the Plaintiff holds him liable for the costs of the suit and the 1st Defendant will urge all the pleas that the Government have to urge in the case. In case the Government decides to file a written statement, a draft is herewith sent.

The file of papers as per list is returned herewith.

I have &c

"Copy" "Signed" S. Ramaswamy Iyengar
Government Advocate

Venkatarama Rao
Deputy Commissioner

Ex 23

In the Court of the District Judge
Nandedroog Division.
O.S. No 14 of 1896-97

Plaintiff
Patil Linge Gowda

Defendants
1. Patta Ghania
2. The Deputy Commissioner
of Sunkur District.

Under Section 110 of the Code of Civil
Procedure.

The 2nd Defendant above named begs to
State as follows:—

1 The Government is no party to the Suit.

2. No Suit lies against the Government to
set aside the order passed by the Government.

3. The Plaintiffs allegations show that
there is no cause of action against Government.

4. The Government having confirmed the
order of the Assistant Commissioner confirm-
-ing the sale of the property in dispute, no Suit
lies to set aside that order.

5. If the Plaintiff has any cause of action,
his remedy is against the 1st Defendant and not

against

(31) J 242

CS 1898 99 516
Ref 303

From The Deputy Commissioner Fenelon Falls District

To The Secretary to the Board of Inspectors Gaol Peterborough

Dated 24th January 1899.

Despatched 26th January 1899.

Received

General No. 1171.
No.

Enclosure No.

Police Office Collingwood dated 13th February 1899

— " —

I enclosed herewith the Bail Piece of Peterborough Prisoner intimated by a Telegram of the Commissioner of Police this morning to be committed by the Deputy Commissioner Fenelon Falls on the Bail Piece signed by one of the Magistrates in the Public Notice Boards to be posted for Company on the 31st January 1899.

—

The number quoted therein were not received
Ret'd 4-2-99.

Received Letter of 1st Inst.

Please see whether the enclosed written belongs to Branch
Ret'd 4-2-99.

Letter forwarded in the L.B. Branch
No 61
Branch
Please see whether the enclosed written belongs to Branch
Received
Ret'd 6-2-99.
Ref.
Letter [illegible]

Gen'l. Records

O'Clare, reference to the Ref's Branch "From (Regulars" of letters, for the Rec'd up to in the D'Kd, and Kindly put up the reps.

Petition File No. 2330 of 92
put up which contains the no. named this docket

Log 7/2/99 7/2/99. Mss Sent to 2nd Counsellor Petty Sessions 8/2/99

No 471.

Office of the Deputy Commissioner
Tumkur District.

Dated camp Sira the 29th January 1899.

To.

The Secretary to the Government
of Mysore,
General and Revenue Departments
Bangalore.

Sir,

In continuation of my letter No. 690 of the 13th February 1897, regarding a suit filed against the Deputy Commissioner, Tumkur District, by one Patel Linge Gowda of Thyagalur in the Gubbi Taluk, in respect of a building site, I have the honor to intimate that the Sub-Judge of Bangalore has intimated by means of a Summons that the case above alluded to has been posted for hearing on the 31st day of January 1899.

X received the 27th

I have the honor to be
Sir
Your most obedient Servant

M Nanjunda Rao
Deputy Commissioner
Tumkur District

against the Government.

M. Sivanandan das

Deputy Commissioner
Trincomalee District

I the 2nd Defendant above named do
declare that what is stated herein is true
to the best of my information and belief.

Deputy Commissioner
Trincomalee District

(32)

Lol. 15-2-95

To The D Comm
Trunkan Dl.

No 5-650. P.
C.F 230-92. 17.2.99.
17

(650)

Ur letter no 471 of 29/1/99 requesting that the Seal file against the D comm by one Lingo Sowda has been fixed for the 31st Jan 4 for hearing

Referring to the above has the honour to state request that he will be so good as to report. Also very early the result of the hearing

The Pt Records received with his letter no 690 of 13/2/99 are returned

17/2/99

+90-S-
DR-25
17-2-99

Rec'd 15/3/99 Commissioner's office Inwards

MM
15.3.99

The Advocate has appeared & has made a reference to the Ch Court (Regarding his Jurisdiction in the case?)

15/3/99.

RD 16.3.99.
15.3.99.

Sanction is for the arrangement that the result of any proceedings taken by the Ch Court on this reference may be ascertained & reported.

MM
16.4.99

Let docket/subsp
16/4/99

Rec'd 15/3/99 Gl. No. 5640 MAR. 19 Ref. No. 756/1898-99

From

The Deputy Commissioner, Amreli Dist

To

The Secretary to the Government of Mysore, General and Revenue Departments

Dated 9th March 1899
Despatched 13th —do—
Received
General No. 544.
No. R. 152-95-6
Enclosure No. 1

Forwg for the information of Govt copy of docket no: 631 of 25th Feb-7/99 in re Suit filed against the D.C. Amreli, by one Patel Lingay Gowda in respect of a building site in the Gubbi Taluk.

Rec'd 14.3.99

Rec'd 15/3. DF 230 of 99 containing the rep. is put up

AK
15/3/99

30

From

The Sub Judge

of Bangalore

To

The Deputy Commissioner,

Tumkur District.

Dated 25th February 1899

General No. 631

His Memo No. 820 of 22nd February 1899.

Has the honor to state that the suit in question has not been disposed of yet, but has been submitted to the Honorable Chief Court of Mysore with No. 517 dated 2nd February 1899.

[Signed] S. Venkataramadasa Iyengar

Sub Judge

"Copy"

Narain Rao

Deputy Commissioner

mn.

Rec 5744
Ex

Deputy Commissioner's Office
Innkur District.

Camp Kadgere. 9th March 1899.

To.

The Secretary to the Government
of Mysore
General and Revenue Departments
Bangalore.

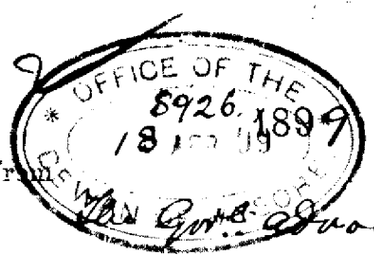
Sir,

In reply to your docket No. 5650 Rec. J. 230-92 dated 17th February 1899 calling for a report as to the result of the hearing of the suit filed against the Deputy Commissioner, Innkur District, by one Bale Ringappa Gowda of Thyagatur in the Gubbi Taluk in respect of a building site, I have the honor to forward for the information of Government copy of a docket No. 631 dated 25th February 1899 received from the Subordinate Judge, Bangalore, on the subject.

I have the honor to be
Sir
Your most obedient Servant
[illegible]
Deputy Commissioner

May be filed
Ry 21/4/99

J 1266.
Pet 395



From The Govt. Advocate
in Mysore.

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 17th April 1899.

Despatched

Received

General No. 162.
No.

Enclosure No.

Reporting that the matter under reference to this letter stands posted for disposal to 13th June 99 before the Ch: Court &c.

Oct 31.

References to be marked.

The Enumeration quoted within was not received from the Govt Bch. Govt. 20-4-99.

Letter from the Govt Bc
Bch Transferred to Petition
21/4/99 Branch. Govt. 21-4-99

D7 230 of 92 containing the appl is put up.

AK

31 1899 (34)

From

The Secretary to Govt
Govt and Res depts

To

The Govt Advocate
in Mysore.

Dated 12th Jul. 152-95-7

Despatched 13th April 99.

Received

General No. 7123 P
P.J No. 230-92

(28)

Enclosure No.

In forwarding here-
-with copies of the mar-
-ginally noted correspon-
-dence, I am directed to request that you will be good as to ascertain and report for the information of Govt the result of any proceedings taken by the Chief Court on the reference in question

(1) Letter no 574 dated 9-3-99 from the Dy Comr Tumkur to Govt
(2) Do do 631 dated 25-2-99 from the Sub-Judge Bangalore to the Dy Comr Tumkur

By order

C2
6.4.99.

for Secretary

8/4/99

OFFICE OF THE
Central Serial No. 30.
9032.

£ 1281

Pet 408 1898.-99

From The Dep. Commr
Tumkur District

To The Secretary to
the Govt of Mysore,
Govt of Revenue Depte

Dated 18th April 1899.
Despatched 20th "
Received 22-4-99

Enclosures No.

General No. 631
No.

This office letter No.
544 dated the 6th March 1899

Stating that the
Registrar of the Chief
Court of Mysore has
intimated that the
case in question has
been posted for final
disposal on Thursday
the 10th July 1899

Jud
22.4.99

2nd Councillor for in-
struction, with refce to his order
at 33. The Govt: advocate
to the same effect- in sl 35.

BR
27.4.99

is on one hand
not entertainable
at this stage
which further
elucidation is
necessary - The
land was ordered
to be sold - pendte
any litigation with
was threatened the Suit.
therefore. Govt having
in this case acquiesced
in the filing of this
Suit all pleas in
consistent with such
conduct are out of place
The Govt is about costs.
Suppose Govt is saddled
with costs & the 1st
Dft does not reimburse
the Govt of such costs
what is the remedy
this fraud must-
be cleared from a
reference to Govt Advocate

3.5.99

Central Jail Press, Bangalore.—6-3-97.—10,002.

No. 631

38

Deputy Commr's Office
Tumkur District.
Dated 18th April 1899.

To The Secretary to the
Government of Mysore,
General & Rev: Departments.

Sir,

In continuation of my letter
No. 544 (S.No: 33) dated the 9th March 1899, I
forwarding for the information
of Government, Copy of docket No.
631 dated the 25th February 1899,
received from the Subordi-
-nate Judge of Bangalore, stating
that the suit filed by one
Patel Linga Gowda of Thyagatur
in the Gubbi Taluk in respect
of a building site had been
transmitted to the Chief Court,
I have the honor to state that
the Registrar of the said Court
has intimated that the case

Final
15-4-99

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

37

DATED, Bangalore 17th April 1899

No. 162
En. No.

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your letter No. 7133, dated the 12th April 1899 23-3-92
I have the honor to report that the Criminal appeal filed by Kanti Gowda against the Criminal case decided on the 13th July 1899 before the Chief Court & the result will be reported after the final disposal

I have the honor to be
Sir
Your Most Obedient Servant.

S Ramaswamy
Government Advocate

2/4 36

in question has been forwarded for final disposal on Tuesday the 18th July 1899.

I have the honour to be
Sir
Your most obedient servant
Wm Mann Rao
(Deputy Commissioner)

3871 189 7869 JUN 13 99 C.R. 458.

From

The Govt. Advocate in Mysore

To

THE SECRETARY TO THE
GOVT. OF MYSORE,
REVENUE AND GENERAL DEPTS.

Dated 10th June/99

Despatched

Received

General No. 183
No.

Enclosure No. 4

Stating the results of a certain case suit and expressing an opinion as to the cost of ih.

References to be marked.

Rec'd 14/6.

O/ 230 99 2 containing copy on the subject is put up

AK 14/6/99

information contained in letter was called for as per of the 2nd Councillor. of (Sd.

Sub- to 2nd Councillor
Sd
16-6-99

17.6.99

under the circumstances must be taken that the Govt Advocate may be asked to await instructions

87a

37

Draft for approval & subt to Secretary

BA

To

Jamedar 11/5

H.C. 15-2-95-W

The Govt: Advocate

in Lhasa.

No. Pol

7230-92 dt 11.5.99.

His letter no 162 dt 17th Apr 1899 reporting that the suit filed by one Lingé Gawda ~~of Thongtha in the Gyabis Taluq~~ against the Dy Commr of Tumkur in respect of a building site has been posted for ~~final~~ disposal to the 13th July 1899 before the Chief Court. ~~to the 15th July 99~~

—"—

With refce to the above I have the honor to observe that the land was ordered by Govt: to be sold pending any litigation which was threatened to result therefrom, and the Govt: having in this manner acquiesced in the filing of the suit all pleas inconsistent with such conduct seem out of place. Request therefore to be favoured with his opinion as to what remedy ~~the Govt now has~~ now lies open to the Govt: if they should be decided to pay costs and the 1st defdt does not reimburse them of such cost.

By Order

11-5-99.

BA
5/5/99

Secretary.

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

No. 183
En. No.

Dated 11th June 1892

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

In reply to your letter No. Pet 1st Jr. 20. 92 dated the 17th April 1892 I have the honor to state that the Government has been treated exparte in the suit the case is defended by 1st Defendant who has engaged an Advocate. As the 1st Defendant is a contesting party he and not the Government will be ordered to pay Costs if the Plaintiff succeeds.

I have the honor to be
Sir
Your most obedient servant
S Ramaswamy
Government Advocate

(40)

41

1720

189 Pet 91

From

The Govt. Advocate
in Mysore

To

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 14/9/99

Despatched

Received

General No. 58
No.

Enclosure No. "

Reporting that the
suit brought by one
Singay Gowda against
the Dy Comr of Tumkur
on the file of the Chief
Court of Mysore has
been dismissed
with Costs.

References to be marked.

Rd
16/9

R/ 2307/92 relating to
case upto
the ~~case~~ as put up

AK
19/9/99

Call for a copy of the
proceedings in this
case from the Registrar

19/9/99

20/9/99

40 (59)

1899.

From

The Secretary to Govt
Genl and Rev Depts

To

The Govt Advocate
Mysore

Dated 22nd L.R. 152-95-12

Despatched 23rd June/99.

Received

General No. 21
Spl No. 230-98

(218)

Endorsement No.

With reference to his letter No 183 dated 10th June 99, has the honor to request that he will be so good as to watch the proceedings of the suit therein referred to and to report to this Court the result to be arrived at after which the case is disposed of by the Chief Court.

C.S.
17-6-99.

By order

BL.

for Secretary

17/6/99

43 (47)

1899.

From

The Secretary to the Govt. of Mysore,
General and Revenue Departments.

To

The Registrar
Chief Court.

Dated 22.9

Despatched 23. Sept/99.

Received

General No. Pet
F. No. 230-92 P (317)

Enclosure No.

I have the honor to request that he will be so good as to forward, for the information of Govt a copy of the judgment in O.S. No. 9 of 1898-99 on the file of the Chief Court, filed by one Linganagowda against the Deputy Comr of the Tumkur Dt.

By order

Dy Secretary

20/9/99.

al Jail Press, Bangalore.—20-7-99.—602.

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.
DATED 14th September 1899.

No. 58
En. No.

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your Letter No. 2d C. 250-92/1 dated the 22nd June 1899, I have the honor to report that the Court-fee paid by the Living Creditor against the Deputy Commissioner of Tumkur (C.S. No. 29 of 1895-99 on the file of the Civil Court) in the Civil Court of Nagore has been remitted into Court.

I have the honor to be
Sir,
Your most Obedient Servant
S Ramaswamy
Government Advocate

12399 Nos. 1
75

65

Bangalore, 5th October 1899.

From

The Registrar of the

Chief Court of Mysore.

To

The Secretary to the

Government of Mysore,

General and Revenue Deptts.

Sir,

I have the honor to forward a copy of the Judgment in Original Suit No.9 of 1898-99 on the file of this Court as requested in your No Petition-P.250-98

Plaintiff-Linguy Gowda
vs.
Defendants-Vesta Channia
and 8 others

dated the 22nd Ultimo.

I have the honor to be,

Sir,

Your Most Obedient Servant;

Rayatal Nabud

REGISTRAR.

Subd

mlf

23.10.99

(Ref Question of law was
Reserved for in this Case)

Ack Contra Letter Slip

24/10/99

(General Serial No 30)

(48)

GG

189

REVENUE DEPARTMENT
Gl. No. 2371
001.01 399

From The Registrar of the
Chief Court of Punjab
at Lahore

To The Secretary to the
Govt of Punjab
Legislative Department

Dated 9th Oct 99

Despatched 9th Oct 99

Received

General No. 2399 dt 15-25-15

No. 75 } 189

Enclosures No/

Forwarded copy of the
Judgment in Original
Suit No 9 of 1895-99 on
the file of the Court as
requested in his No 1561-92
dated 13th Sept 1899

Ref
Dft 21

Rec'd
19/10

Dft 230 992 containing
copy in putup

AK
20/10/99

Central Jail Press, Bangalore.—5-7-98.—3,221.

In the District Court of Ngaruawahia at Ngaruawahia, the 23rd day of August 1899.

Before His Honour J. Macdonald Esquire Judge

Original Suit No. 1 of 1898-99.

Plaintiff

Teiyay Jones

v.

Defendants

1. Wata Tamaiti
2. Wiremu Tamaiti
3. Hemana Ngapaka (Supplemental Defendant).

Judgment.

Suit for the declaration of Plaintiff's right to the Suit Land and to receive possession of the same.

2. The Suit is as follows:-

(1) The Vacant site referred to in the schedule, measuring 7 yards East to West and 27 yards North to South, is the ancestral property of the Plaintiff. It was granted on the possession of Plaintiff's ancestor and

of the Land Revenue Code, under the orders of Government, and as the land has been taken possession of, he has also been made a party to the suit. The 1st Defendant has agreed to pay all the costs incidental to the suit. Moreover, the Plaintiff has, on the 27th January 1896, served a notice to the 2nd Defendant under Section 424 of the Civil Procedure Code.

(6) The cause of action arose on the 18th January 1893 within the jurisdiction of this Court.

(7) Plaintiff prays that his right to the suit land may be declared and the same put in his possession; that all his costs may be decreed, and such other relief as the Court may deem fit.

3. The 1st Defendant filed the following written statement:-

(1) The suit land does not belong to the Plaintiff's ancestors as alleged in the plaint. It was never in the possession of the Plaintiff and his

his ancestors. It was a Government waste land.

(2) On the Application of the 1st Defendant the said land was put up to Auction and he purchased it for ~~Rs~~ 79-4-0. After the land was put into his possession by the Government, he built a house on it at a cost of about ~~Rs~~ 1000-0-0.

(3) The Plaintiff has, in order to cause loss and annoyance to the 1st Defendant, been silent for the past 3 years until the building was completed, and has now filed this suit.

(4) The boundaries of the suit land is incorrect. It is alleged that the road leading to Nittoor, is to the East, but there is a house and many back-yards between these two.

(5) Consequently the Plaintiffs' suit should be dismissed with costs.

4. The 3rd Defendant filed the following written statement:-

(1) The house site mentioned in the plaint schedule is not the

ancestral

and subsequently in the possession and enjoyment of the Plaintiff.

(2) On the application of the 1st Defendant, alleging that the Land in question belonged to Government, it was, contrary to the Malagasy law set up by the villagers, put up to auction when the 1st Defendant purchased it.

(3) On the objection raised by the Plaintiff, the Assistant Commissioner in his order No 48 dated 1st May 1895, cancelled the sale.

(4) Subsequently, various disputes arose and finally the Government of Ryotwar, in their order No $\frac{1250}{20-92}$ dated 22nd December 1892, found that other evidence was unnecessary and confirmed the sale as the 1st Defendant agreed to institute a suit against the Plaintiff undergoing the necessary costs. Hence the suit

(5) As the 2nd Defendant has been acted by the 1st Defendant to make an objection of the Land in dispute under Sections 136 and 137

of

concerned proceeds of the Plaintiff's claim
under ~~the~~ his policy in respect of the Plaintiff's loss
was of the Plaintiff.

(2) The said site was a Government
vacant land. ~~of the~~ The Defendant, the site was
sold by Government, and the 1st Defendant
Defendant purchased it. Subsequently
he got possession of it.

(3) After this, the 3rd Defendant
purchased two third of the said land
from the 1st Defendant, and built
a house on it at a cost of £1,

(4) The 1st Defendant spent a
large sum of money in building a
house on the portion of land that
he retained for himself. The Plaintiff
is well aware of all this. In spite
of all this, the Plaintiff has brought
this present suit after considerable
delay to annoy the Defendant.

(5) In the event of the Court finding
that the said land should be restored
to the Plaintiff, the sum of £1,000 —
being the cost incurred by the 3rd De-
fendant in building the house thereon
should be secured by the Plaintiff.

(6)

(3) Who is now entitled to possession of the land?

11. The suit came on for final disposal on 19th July 1898 and 18th August 1899.

12. The parties were represented as before.

13. The Plaintiff examined 5 witnesses and filed the following exhibits:-

A. Certified copy of order of the Deputy Commissioner, Tumkur, No. 68 dated 1-5-88.

B. Plaint filed by Plaintiff in the District Court, Nandydroog Division, (Mis: No. 175 of 1893-94).

C. Copy of Government order No. $\frac{9250}{230-92}$ dated 22-12-92.

14. The Defendants examined 3 witnesses and filed the following exhibits:-

No. 1. Certified copy of sale Certificate, dated 26th September 1888, issued by the Deputy Commissioner of Tumkur.

No. 2. —do— do— dated 27th September 1888 —do—

No. 3. Government order No. $\frac{2781-2}{51}$ dated 20th July 1886.

15. This is an action of ejectment.

16. The first defendant made an application to the Amildar of Gubbi to be put in possession of a building site in the village of Thyagatteer alleged to belong to Government. It was divided into two plots and sold by public auction by the Amildar. The first defendant purchased both plots for ~~Rs~~ 79-4-0. The sales were confirmed by the Sub Division Officer, Tumkur District, on 20th December 1887. The plaintiff, herein appealed to the Deputy Commissioner claiming the land as his property and succeeded in getting the sales cancelled. The first defendant appealed to Government which set aside the Deputy Commissioner's order and restored that of the Sub Division Officer, confirming the sales. The order of Government is dated 20th July 1888 (Exhibit 3). The record does not show what happened between that date and 22nd December 1892 when another order was passed by Government (Exhibit C), directing the Deputy Commissioner to put the

purchaser

15. This is an action of ejectment.

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purchaser

(6) The Plaintiff has no cause of action against the 3rd Defendant. Hence he is not entitled to any relief. The Eastern boundary of the suit site has not been given in the plaint because it is simply stated that Nallur road lies to the East. This is not correct. There are some houses, backyards and temples between the suit site and Nallur road.

(7) For these reasons the Plaintiff suit should be dismissed with cost.

5. The suit came on for settlement of issues on 12th July 1949.

6. The Plaintiff was represented by Mr. Venkatasamich.

7. The 1st Defendant was represented by Mr. Thiruchelvam.

8. The 2nd Defendant was absent.

9. The 3rd Defendant was represented by Mr. M.M. Kanagasabai Iyengar.

10. The following issues were settled:—

(1) Is it from out the suit land belong?

(2) Had the Government of Jaffna any right to make it over to the 3rd Defendant?

that in 1886, the shed was demolished by Anildar Hanumanthaya.

21. Fourth witness is a Thalawar who works under plaintiff and consequently he is not an unbiassed witness.

22. The fifth witness says generally that plaintiff stored building materials and kept manure on the land, and says nothing about the erection of the cattle shed and its subsequent demolition.

23. First defendant has examined three witnesses including himself. They all say that the land was government waste and that it is not true that plaintiff had erected a cattle shed on it or that he kept manure or building materials thereon. Third witness states that village cattle used to graze on it.

24. The oral evidence adduced by defendant is as good as that adduced by plaintiff. I see no reason for preferring plaintiff's evidence to defendants'. There is no documentary evidence bearing upon the question of title. I find that plaintiff has failed to establish his

right

57

right, and dismiss the suit with costs. One set of costs only payable to 1 and 3 defendants. Second defendant (the Deputy Commissioner) has incurred no costs.

A true Copy

Registrar.

nlw

purchase in fee from the city and County of Denver to establish his right by a suit.

1st. The plaintiff filed the plaint in Series 896 for ejectment of the city. The first defendant and his tenants, said defendant have in the meantime built substantial houses upon the two lots. They contend that the plaintiff ought not to have left over his right for upwards of three years and ousted to the court for relief after they had built houses. They deny his right and plead that the land was government waste.

2d. The plaintiff has examined five witnesses including himself. He states that the land is his ancestral property that he had a cattle shed on it and he used to keep manure there. In the Examination-in-chief he says there is also a well in it. The city rejoins very shortly. By facts and the well is 1855-57. But the Commissioners plan, the correctness of which has not been disputed shows that the well

is

is situated beyond Paramount Temple and that it is beyond the land in dispute. Leaving aside the evidence as to the writing of the deed as irrelevant, plaintiff's case rests upon his assertion that he had land in his possession, and that he used it for his cattle and store manure on it.

1a. The second witness states that plaintiff had kept his cattle and stored manure since 2 years. On cross-examination he says:- "The manure was stored under the shed. The land on which the plaintiff had the shed was to the east of Sivaniya Temple". The plan shows that the disputed land lies on the western side of the temple.

2a. The third witness is plaintiff's servant, who says in addition to what plaintiff said that the cattle had stored lucidly manured on the land. It appears from this same evidence that the shed which had been erected by plaintiff was pulled down by first defendant after the post-inspection of the land in the early part of 1950. This is contradicted by plaintiff's statement

that

Subd - The date of hearing of the Appeal in the Chief Court is 9th February 1900.

Mell
5.12.99 Subd Clerk

(1) The Copy of the Judgment may be sent to the Chief Court

(2) As the Chief Court will hear the ex parte in the Court of 1st instance, there seems no objection to the same being continued in the appellate Court. The decision both the Courts in favour of the Govt.

5/12/99

Dy Secy
7.12.99
You will please send a draft telegram stating that 3 days after the Govt (by Comr) was ordered to produce documents but

It should be the duty of the Govt, we may tell the Govt by Comr that we will take action on their part in case of default - Before telegraphing the reason to the Govt please submit to me whether the Govt Commr is not the only Respondent - 6/12/99

5016 1899 (42½)

From 29-XI-99
Cf 176
The Deputy Commissioner
Bangalore District

To The Secretary to the Govt of Mysore, Rev and Rev Departments

Dated 25th
Despatched 27th } November 1899.

Received L.C. 152-95-16

General No. 476
No.

Enclosure No. one.

This office letter no: 631 of 15th April 1899.

Forwarding in order a summons received from the Registrar of the Chief Court in Appeal no: 55 of 1895-96 on the file of that Court, duly served on the Govt Commr of the Bangalore District.

Secy
2.4.1901

Send Records.
Peace Impg. C.C. 230-92.

5-230-92-3 pkts U.S.
30/11
5-12-99
1/12/99

No 476
Rec 1.

Deputy Commissioner's Office,
Chanda District.

Dated, Chanda, the 25th November 1899.

To

The Secretary to the Government of
Bengal, General and Revenue
Department.

Sir,

Adverting to previous Correspondence, ending with my letter No 631 of the 17th April 1899, I have the honor to forward herewith for orders a Petition received from the Registrar of the Civil Court in Appeal No. 83 of 1899 preferred in the Civil Court, a copy of the Deputy Commissioner of Chanda's Decree, and to state that in reply to my application for a copy of the Judgment in A. Suit No. 9 of 1898-99, against which the appeal has been preferred the Registrar has informed me that it has already been sent to you with his letter No. 2399-5 dated the 9th October last.

I have the honor to be,
Sir,
Your most obedient Servant

Vivian Rao

Deputy Commissioner
NL

60 (45)
1899

From

The Secretary to Govt
Genl Secl Dept

To

The Deputy Comr
Tinnevelly

Dated 19

Despatched 19th

Received 21.12-95=17

General No. Pet P
07 No. 280-92

(584)

Enclosure No.

With reference to his letter No 445 dated 28th November 1899, has the honor to forward herewith a copy of the Chief Court judgment in original Suit No 9 of 1898-99 on the file of the said court and to state that no action on his part is called for in the appeal Suit under reference, as there are two other

Respondents

Respondent's, the sides
himself (by counsel),
who will contest the
suit.

2. The enclosure of
this letter is here with
returned.

Encl. C.P.W. Def.
14.12.99

By order
for Secretary)

15.12.99